

The 21st November, 1968

No. 10399-ASOIII-Lab-68/28111.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and the management of M/s United Steel and Allied Industries, Bahadurgarh. —

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH

Reference No. 36 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S UNITED STEEL AND ALLIED
INDUSTRIES, BAHADURGARH

Present :—

Shri L. D. Adlakha, for the workman.

Shri Y. R. Bhasin, for the management.

AWARD

M/s United Steel and Allied Industries, Bahadurgarh, retrenched one of their motor drivers Ram Bhool on 26th September, 1967. He raised a dispute regarding the said retrenchment presumably under section 2-A of the Industrial Disputes Act, 1947, and the Government of Haryana then referred the said dispute for adjudication to this tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947—vide their notification No. ID/UMB/17A-68/15784, dated 26th June, 1968. The exact item of dispute which is mentioned in the aforesaid notification is as under :—

“Whether the retrenchment of Shri Ram Bhool was justified and in order? If not, to what relief is he entitled?”

On receipt of the reference in this tribunal usual notices were issued to the parties and in response to the same the workman concerned filed his statement of claims and the management filed a written statement in respect of the same. The pleadings of the parties gave rise to one issue only which is precisely the same as the item of dispute mentioned in the notification. The parties were directed to lead their evidence in respect of the said issue and after conclusion of the same their representatives also addressed their arguments to me.

The case of the management is that they sold one of their cars and as a result of the same one of their car drivers became spare and Ram Bhool being the junior driver was retrenched on 26th September, 1967. The case of Ram Bhool on the other hand is that he was an active member of the trade union of the workmen of the concern in question and that while he was espousing the cause of some chawkidars on 25th September, 1967, he was called by Mr. Jolly and was slapped and that his retrenchment on 26th September, 1967, was made by way of victimisation only. The management have examined two witnesses, namely, RW. 1 Shri T.R. Sharma who is in charge of the office of the respondent concern and RW. 2 Shri Jagdish Lal Jolly who is one of the partners and against whom the allegation of slapping Ram Bhool has been made. The statements of these two witnesses clearly prove that the respondent sold one of their cars and for that reason one of the motor drivers became spare. Some questions were put to these two witnesses with a view to prove that after the purchase of a new car one Radhey Lal was appointed by the management as a car driver in place of Ram Bhool. Both these witnesses denied the appointment of Radhey Lal as a driver. It appears that Radhey Lal has been appointed as a driver by one of the partners Shri R.K. Jain in his personal capacity and that he is being paid by Shri R. K. Jain from his own individual funds. There is nothing to show that Radhey Lal was ever appointed by the respondent concern or that he is drawing any salary or wages from the respondent concern. The workman concerned has produced four witnesses and has himself also come into the witness box. All the four witnesses are ex-employees of the concern and are inimically disposed towards the management. The version of Ram Bhool with regard to the incident of 25th September, 1967 has not been satisfactorily established. If it was a fact that Mr. Jolly slapped him on 25th September, 1967 one would expect Ram Bhool to make a report to the police or at least to the authorities of the Labour Department. Nothing of the sort was done. Ram Bhool admits that he was an active member of the trade union for a pretty long time and that a number of other workmen have also been taking interest in the activities of the said union. There does not appear to be any special cause while Ram Bhool should have been slapped on 25th September, 1967 simply because he was espousing the cause of some of the chawkidars or was talking with one or two of them. It is significant that no chawkidar has been produced by Ram Bhool to corroborate the version of his having been slapped. No other independent witness has been examined on the point. It is difficult to place reliance on the testimony of Ram Bhool or his witnesses who are all interested in deposing against the concern.

The other contention of Ram Bhool that he had not been paid his dues is also devoid of force. He has admitted that he received the notice in which he had been asked to collect his dues from the Head Office of the concern. He has also admitted that he never made any effort to collect the dues. The concern sent him a money order covering the said dues but he refused to receive the money.

For the reasons given above I am definitely of the opinion that the retrenchment of Ram Bhool was justified and his claim in the present reference is, therefore, dismissed.

No order as to costs.

Date 12th November, 1968

K. L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.